

ORIGINAL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

10-

3776

ROGER STROUD,

Plaintiff

against

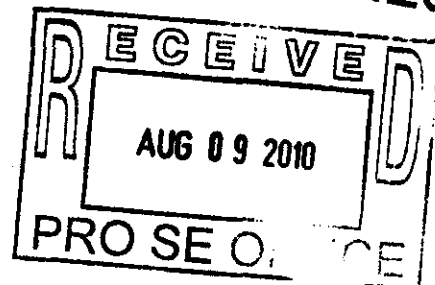
THE CIVIL RIGHTS
ACT 42 U.S.C. § 1983
COMPLAINT

CITY OF NEW YORK
NEW YORK CITY POLICE DEPT.
KRISTEN SCHAFER # 7860
STATE COMMISSION OF CORRECTION
DEPARTMENT OF CORRECTIONAL SERV.
RIKER'S ISLAND

JURY TRIAL DEMANDED

Are sued in their individual and
official capacities,

Defendants.



PRELIMINARY STATEMENT

This is a civil rights action filed by Roger Stroud, a detainee, for damages and injunctive relief under 42 U.S.C. § 1983, alleging breach of duty, failure to follow established rules and regulations, and laws, negligence, deliberate indifference, racial profiling, illegal search and seizure, in violation of 4th, 8th and 14th Amendments to the United States Constitution; Civil Rights Law, Article 2 § 8; Article 4 § 40-c. Plaintiff also alleges the tort of negligence.

JURISDICTION

1. The Court has jurisdiction over the plaintiff's claim

of violation of federal constitution rights under 42 U.S.C. § 1983, 1331(a) and 1343.

2. The Court has supplemental jurisdiction over plaintiff's state law tort 28 U.S.C. § 1367.

PARTIES

3. The plaintiff Roger Stroud was at liberty under successful trade as a carpetender at the onset of the events described and later detained at O.B.C.C. 1600 Hazen Street, and remains as such at present.

4. Defendant City of New York is a municipal corporation and must adhere to the mandates set forth by and exist by New York.

5. Defendant New York City Police Department exist by virtue of new York State and must adhere to the constitution of the State of New York and laws of New York State and federal constitution.

5. Defendant Kristen Schafer, Sheild # 7860 is a police officer employed by the New York City Police Department 70th Precinct.

STATEMENT OF CLAIMS

7. I Roger Stroud, swear to tell the truth about what happened to me on October 7, 2009.

8. I was visiting my gay girlfriend who lives at 70 Linden Boulevard, on the 3rd floor.

9. After visit her I left her apartment and got in the elevator.

10. I pushed the wrong button, and the elevator went to the basement, not the first floor.

11. I open the door for whoever answers.

12. A guy I found out later that his name was "Emil Doane" answered and he said in a very menacing way, "Who the fuck are you and what are you doing here ?"

13. I Asked "Didn't you call for the elevator ?

14. He said "No ! And you aren't going anywhere, you are going to stay there.

15. That's when he locked the elevator with me still inside it.

I yelled at him to get the elevator moving !"If you don't, I will, try to get it moving myself !" I tried to open the elevator's control panel.

16. That's when I heard a dog barking, he is going to sic his dog on me, this is what I thought he is going to do. That is what he did !

17. He said "Sic him" to the dog, It was a brown Rottweiler.

18. I called the dog to come to me, this I did as the dog was running towards me anyway. I said "come here sweetie, here baby" and I threw a kiss at the dog as he was running towards me. As the dog got close I seen his tail waging, that's when I said sic him !

19. The dog turned and ran back the way he came. He jumped on the man at the elevator door.

20. That is when he kicked the dog, and locked the elevator door again, with me still inside it.

21. When he came back, he opened the door, and in his hand was a claw hammer (a hammer with one end of the head forked and curved like a claw for drawing nails out of wood), and he started

hitting me with it.

22. He tried to hit me in the face, I backed up as far as I could go and I started swinging my hands up at him. I fell to the elevator floor and kicked at him.

23. Now he was yelling for someone to come and help him.

24. We both were on the floor of the elevator.

25. I got on top of him, and that's when someone else pulled me off him.

26. This new person who had entered the elevator was now holding me down; while Emil Doane was getting up, he said "lets tie him (me) up !"

27. This is when my legs and hands were being tied together behind me.

28. My shirt was pulled over my head.

29. After I was tied up, the other person started hitting me also.

30. This was when Emil Doane started hitting me in my head with

the hammer.

31. The other person was hitting me with the flat side of a machete.

32. I heard Emil Doane say "lets chop him up !"

33. After he said this, he went into my back pocket and took out my wallet. I had \$ 200.00 in it, along with my ID which is now missing.

34. I heard him count my money, and put it in his pocket.

35. When the police arrived, I heard one of them say "is he dead ?"

36. At that time I felt someone burn me with a cigarette or something on my stomach.

37. This made me yell, and that is when Emil Doane kicked me in my face !

38. I yelled again, please help me officer ! Then I blacked out !

39. I woke up in Kings County Hospital, my right eye socket

was cracked, my nose was broken, and my jaw bone was also broken.

40. I had 15 staples in my head from getting hit 7 (seven) times in my head with the hammer.

41. I looked up and saw a police officer was by my bed, and I was handcuffed to the hospital bed.

42. I was arrested, I stayed in the hospital for two weeks. While I was there I had jaw and nose surgery.

43. I left the hospital handcuffed with the police. I never went to Criminal court.

44. I had no bedside arraignment.

45. My first appearance was in Supreme Court.

46. I have been and I am still being maliciously prosecuted.

WHEREFORE, Plaintiff seeks and prays for judgement against defendants:

a) Declaring that each and or all defendants have acted in violation of the united States Constitution, and inviolation of

their official duties and capacity;

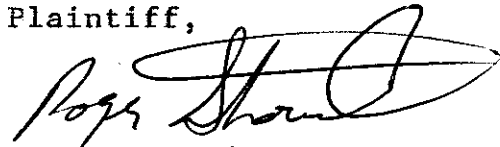
b) Awarding Plaintiff compensatory and punitive damages in a sufficient amount to compensate him, but in no event less than 20,000,000, together with costs, disbursements and any attorneys fees within this action;

c) And, such other and additional relief as this court may deem just and proper.

Signed this 21st day of July, 2010

I, ROGER STROUD, declare under penalty of perjury that the foregoing is true and correct.

Plaintiff,

A handwritten signature in black ink, appearing to read "Roger Stroud", with a large, stylized loop at the end.

Roger Stroud
Otis Bantum Correctional Center
1600 Hazen Street
East Elmhurst, N.Y. 11370

UCS-840 (REV 1/2000)

REQUEST FOR JUDICIAL INTERVENTION

Eastern

District

KINGS

COUNTY

INDEX NO.

DATE PURCHASED

PLAINTIFF(S):

ROGER STROUD

DEFENDANT(S):

THE CITY OF NEW YORK, THE NEW YORK CITY POLICE
DEPARTMENT, KRISTEN SCHAFER, and EMIL DOANE.

For Clerk Only

IAS entry date

Judge Assigned

RSI Date

Date issue joined: Bill of particulars served (Y/N): [] Yes [X] No

NATURE OF JUDICIAL INTERVENTION (check ONE box only AND enter information)

☐ Request for preliminary conference☐ Note of issue and/or certificate of readiness☐ Notice of motion (return date:)
Relief sought☐ Order to show cause
(clerk enter return date:)
Relief sought☐ Other ex parte application (specify:)☐ Notice of petition (return date:)
Relief sought☐ Notice of medical or dental malpractice
action (specify:)☐ Statement of net worth☐ Writ of habeas corpus☒ Other (specify: Summons)Complaint

NATURE OF ACTION OR PROCEEDING (Check ONE box only)

MATRIMONIAL

☐ Contested -CM☐ Uncontested -UM

COMMERCIAL

☐ Contract -CONT☐ Corporate -CORP☐ Insurance (where insurer is a
party, except arbitration) -INS☐ UCC (including sales, negotiable
instruments) -UCC☐ *Other Commercial -OC

REAL PROPERTY

☐ Tax Certiorari -TAX☐ Foreclosure -FOR☐ Condemnation -COND☐ Landlord/Tenant -LT☐ *Other Real Property -ORP

OTHER MATTERS

☒ * Civil Rights violation -OTH

TORTS

Malpractice

☐ Medical/Podiatric -MM☐ Dental -DM☐ *Other Professional -OPM☐ Motor Vehicle -MV☐ *Products Liability -PL☐ Environmental -EN☐ Asbestos -ASB☒ Breast Implant -BI☒ *Other Negligence -OTN☒ *Other Tort (including
intentional) -OT

SPECIAL PROCEEDINGS

☐ Art. 75 (Arbitration) -ART75☐ Art. 77 (Trusts) -ART77☐ Art. 78 -ART78☐ Election Law -ELEC☐ Guardianship (MHL Art. 81) -GUARD81☐ *Other Mental Hygiene -MHYG☐ *Other Special Proceeding -OSP

Check "YES" or "NO" for each of the following questions:

Is this action/proceeding against a

YES NO YES NO
☒ ☐ Municipality: NY PD ☐ ☐ Public Authority:
(Specify NY PD) (Specify _____)

YES NO
☒ ☐ Does this action/proceeding seek equitable relief?
☒ ☐ Does this action/proceeding seek recovery for personal injury?
☐ ☒ Does this action/proceeding seek recovery for property damage?

Pre-Note Time Frames:

(This applies to all cases except contested matrimonial and tax certiorari cases)

Estimated time period for case to be ready for trial (from filing of RJI to filing of Note of Issue):

☒ Expedited: 0-8 months ☐ Standard: 9-12 months ☐ Complex: 13-15 months

Contested Matrimonial Cases Only: (Check and give date)

Has summons been served? ☐ No ☐ Yes, Date _____

Was a Notice of No Necessity filed? ☐ No ☐ Yes, Date _____

ATTORNEY(S) FOR PLAINTIFF(S):

Self Rep. *	Name	Address	Phone #
<input checked="" type="checkbox"/>	ROGER STROUD	1600 Hazen St. E. Elmhurst, N.Y. 11370	N/A
<input type="checkbox"/>			

ATTORNEY(S) FOR DEFENDANT(S):

Self Rep. *	Name	Address	Phone #
<input checked="" type="checkbox"/>	KRISTEN SCHAFER	154 Lawrence St. Bklyn, NY 11230	(718) 951-5576/5511
<input checked="" type="checkbox"/>	EMIL DOANE	70 Linden Blvd. Bklyn, NY 11101	Unknown

*Self Represented: parties representing themselves, without an attorney, should check the "Self Rep." box and enter their name, address, and phone # in the space provided above for attorneys.

INSURANCE CARRIERS:

RELATED CASES: (IF NONE, write "NONE" below)

Title Index # Court Nature of Relationship

PSNY V. ROGER STROUD, Ind. #9377-09, Supreme Ct., Criminal Pros.

I AFFIRM UNDER PENALTY OF PERJURY THAT, TO MY KNOWLEDGE, OTHER THAN AS NOTED ABOVE, THERE ARE AND HAVE BEEN NO RELATED ACTIONS OR PROCEEDINGS, NOR HAS A REQUEST FOR JUDICIAL INTERVENTION PREVIOUSLY BEEN FILED IN THIS ACTION OR PROCEEDING.

Dated: July 20, 2010


(SIGNATURE)
ROGER STROUD

(PRINT OR TYPE NAME)

ATTORNEY FOR

ATTACH RIDER SHEET IF NECESSARY TO PROVIDE REQUIRED INFORMATION